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February 23, 2023

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Honorable Jesse Furman
United States District Court, Southern District
of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 1105
New York, NY 10007

**Re: Joint Letter re: Initial Pretrial Conference Scheduled for March 1, 2023 at 9:00 am
in case number 1:22-cv-09660-JMF**

Dear Judge Furman:

The parties mutually request an adjournment of the Initial Pretrial Conference for two months to May 3, 2023, at 9 am.

Defendant Flatiron's response to the complaint is not due until March 27, 2023, and Plaintiff's counsel is exploring an amendment to the complaint to add additional parties. To hold the Conference before a response is filed and before a potential amended complaint would waste judicial resources and the resources of the parties, and any schedule entered now could prejudice Defendant's ability to prepare its case for the actual parties and claims which will be at issue, as well as the available defenses. On the other hand, a modest adjournment of the Conference for two months would not prejudice the parties or the Court.

If the Conference is not adjourned for two months, the parties request a teleconference with the Court to discuss appropriate dates in light of the fact that the pleadings are not settled and will not be for at least a month.

Should the Court not hold adjourn the conference and not hold a teleconference, the parties have provided dates in the Civil Case Management Plan and Scheduling Order.

The parties are available for a call at the following times next week:

- February 28, 9-noon ET
- March 1, 9-noon ET

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- March 2, 9-noon ET


Thank you for your consideration of these requests.

Respectfully Submitted,

PERKINS COIE, LLP

/s/ Dennis C. Hopkins
Dennis C. Hopkins

KIMMEL & SILVERMAN, PC



Jacob U. Ginsburg